SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

June 12, 2002

PART A
SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Symposium on Dry Cooling for Power Plants *(John Phillips & Hashim Navrozali)*
On May 31 and June 1, 2002, Regional Board staff John Phillips and Hashim Navrozali attended a symposium on dry cooling applications for power plants. The symposium was hosted by the San Diego Chapter of the Air & Waste Management Association (AWMA), in San Diego. The objective of the symposium was to provide a current assessment of the advantages and limitations of dry cooling in power plant applications, using air-cooled condensers (ACC).

Dry cooling is a demonstrated alternative to "once-through" and "closed-circuit" wet cooling systems for power plants. In dry cooling systems heat from low-pressure steam from the power generating turbines is removed using a series of fans that blow air over condenser elements (i.e. large radiator type coils). ACC systems have no thermal water discharges to the environment and, as such, are not subject to water quality regulations. Other ACC system advantages include zero water usage and associated costs, no cooling towers or cooling water intake structures, and no visible water vapor plumes or particulate matter (PM_{10}) emissions from plume drift.

The higher initial capital cost of ACC compared to a wet cooling system is the most frequent reason cited by developers for not selecting the dry cooling option. Higher costs are due to larger space and height requirements of ACC cell installations compared to combined and single cycle power plants using "closed-circuit" wet cooling systems. Furthermore, the power generating turbines associated with ACC systems are generally less efficient compared to turbines served by wet cooling systems, thus incurring an incremental operating cost per megawatt of power produced. Other disadvantages include reduced cooling efficiency on hot days and fan noise.

2. 2002 Annual Water Reuse Foundation Research Conference *(Chiara Clemente)*
On June 3 and 4, staff member Chiara Clemente and Board Chairman John Minan attended the 2002 Annual Water Reuse Research Conference in Los Angeles, California. This conference is sponsored by the WateReuse Foundation, the American Water Works Association (AWWA), the National Water Research Institute (NWRI), the US EPA, and US Bureau of Reclamation. The purpose of this meeting was to provide an opportunity for researchers to present results of current findings on water reuse, reclamation, and recycling, and to provide a forum to discuss and determine future research needs. Presentation topics focused on advanced treatment technologies (e.g. desalination and UV

treatment), existing aquifer recharge projects, and potential negative effects from water reuse (i.e. pharmaceuticals, endocrine disrupting compounds, NDMA, pathogens, and toxicity). A few presentations discussed the regulation of such reuse projects across the nation. The topics covered at the conference are timely for our region because of a proposed desalination project in Carlsbad and water recharge projects proposed for the Santa Margarita River basin.

3. CPR/First Aid Training (*John Phillips)*
Regional Board staff participated in basic CPR and First Aid training conducted by a contractor provided by the Department of General Services, Office of Risk and Insurance Management. Forty-four staff took part in the training, held in four eight-hour sessions in late May. While not required, management provides this training to staff every two years. The certification earned by completing this course is good for two years.

4. San Diego State University Outstanding Senior Thesis Presentation Award *(Barry Pulver)*
The Tank Site Mitigation and Cleanup Unit student intern, Sean McClain, received the Outstanding Senior Thesis Presentation award from the faculty of the San Diego State University Geological Sciences Department. For his thesis, Sean modeled the capture zone of the MTBE tainted water supply well in Temecula. A capture zone is the area in an aquifer that contributes groundwater and contaminates to a specific well. The Regional Board is using the model to help identify the source of the MTBE pollution in Rancho California Water District Well #118 by identifying the leaking underground storage tank sites within the capture zone. The model also improved our understanding of the aquifer characteristics of the Temecula Valley, and paved the way for Regional Board staff to conduct capture zone analyses of other vulnerable water supply wells in the area.

5. Land Disposal Program Roundtable Meeting *(John Odermatt)*
On May 14 and 15, 2002, the Regional Board staff hosted a Roundtable meeting of Program Managers from the State Water Resources Control Board (SWRCB) and the nine Regional Boards. Meeting attendees included representatives from the SWRCB Land Disposal Program (seven staff) and at least one representative from all the Regional Boards. The agenda included a discussion of the recent request from the SWRCB to provide information on radioactive waste constituents in leachate and groundwater at municipal solid waste landfills (see discussion in Landfill Status in Section B of the Executive Officer Report). Other significant administrative topics were discussed as follows:

Green Waste Statewide General WDRs
The SWRCB staff is exploring options to replace current waivers from waste discharge requirements (WDRs) due to expire on January 1, 2003 (SB 390). The SWRCB staff is exploring development of statewide General WDRs to be written and adopted by the State Board. The Presumably, the State Board would do the CEQA work, adopt the

general WDRs, and then the Regional Board could adopt/apply the general WDRs without the necessity of further CEQA documentation and collect the appropriate fees.

SWIM II Database Development
Pamela Barksdale of the SWRCB Office of Statewide Initiatives gave a presentation on the status of the SWIM 2 project. The SWIM 2 team has completed the enterprise requirements and data model and has designed the system architecture. They are now designing the physical data mode. They have decided upon the Enterprise Data Model in which one system is built to address all data needs. They have designed a deployment plan in which SWIM 2 is rolled out in phases. All design work is to be completed by July 1 this year, and all construction is scheduled for completion by January 3, 2003. Pamela stated the SWIM 2 team hopes to have a project web site up and running soon. She will send a general email when this is available.

PART B
SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Victor Vasquez, David Hanson, Chiara Clemente, Bryan Ott) (Attachment B-1)*
In May 2002, there were 40 sanitary sewer overflows from public sewage collection systems reported to the Regional Board office; 23 of these spills reached surface waters or storm drains, and three resulted in closure of recreational waters. Of the total number of overflows from public systems, 10 were 1,000-gallons or more. Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics."

An additional 8 sewage overflows from private property were also reported in May, of which one was 1,000 gallons or more. Four of the private property spills reached surface waters or storm drains, and one resulted in closure of recreational waters.

Only trace amounts of rain were recorded at San Diego's Lindbergh Field in May. For comparison, 0.63 inches of rain was recorded, and 37 public SSOs were reported in April 2002; in May 2001, 0.02 inches of rain was recorded, and 35 public SSOs were reported.

Seven Notices of Violation (NOV), three with demands for submission of Required Technical Reports (RTR), were issued in May for significant overflows. The NOVs were issued to the following agencies:

City of San Diego
An NOV was issued to the City of San Diego for seven significant sanitary sewer overflows that occurred during the period February through April 2002. The details regarding these overflows are as follows:

DATE OF SSO	*SSO VOLUME (gallons)*	*VOLUME RECOVERED (gallons)*	*LOCATION*	*WATER BODY IMPACTED*	*RECREATIONAL WATERS POSTED AS CONTAMINATED*	*CAUSE*
02/18/02	15,750	11,900	38th and University	Chollas Creek	No posting	construction, line break
02/18/02	15,450	1,500	11740 Bernardo Plaza Ct.	Unnamed creek tributary to Lake Hodges	Access points to creek	roots
03/04/02	22,500	19,000	6th Avenue and Hwy. 163	San Diego Bay	No posting	debris, roots
03/08/02	22,750	20,025	5027 Auburn Dr.	Dissipated in storm drain	No posting	vandalism
03/08/02	63,350	0	1220 Johnson Ave.	Unnamed canyon	No posting	roots
03/31/02	18,600	0	3129 Calle Abajo	Sweetwater River, San Diego Bay	Pepper Park in National City	vandalism
04/26/02	10,400	9,900	3310 Cherokee Ave.	Dissipated in storm drain	No posting	roots

In addition, the City of San Diego (City) reported a 120,000-gallon sanitary sewer overflow that occurred on April 7, 2002, reportedly resulting from operational problems at Pump Station 2, the largest pump station in the City's sanitary sewage collection system pumping to the Pt. Loma treatment plant. The pump station failure caused wastewater to accumulate in the major sewer trunk lines feeding to the station, and eventually resulted in discharges from the City's collection system into surface waters at several locations. A RTR has also been requested from the City regarding these discharges. The discharge locations and locations of contamination postings are given in the following table:

LOCATION	*SSO VOLUME (gallons)*	*VOLUME RECOVERED (gallons)*	*WATER BODY IMPACTED*	*RECREATIONAL WATERS POSTED AS CONTAMINATED*
3955 N. Harbor Drive	500	0	San Diego Bay	Spanish Landing Park
3082 Barnett Avenue	30,000	5,500	San Diego Bay	Spanish Landing Park
2400 N. Harbor Drive	56,000	0	San Diego Bay	No posting
Interstate 8 and Pacific Highway	39,000	0	San Diego River and Pacific Ocean	Ocean Beach pier to mouth of San Diego River

U.S. Dept. of the Navy

The Navy reported a 35,000-gallon sanitary sewer overflow that occurred on May 7, 2002 at 3350 Murphy Canyon Road, of which 9,000 gallons was recovered. The overflow resulted in a 26,000-gallon discharge of sewage to the San Diego River and Pacific Ocean

and resulted in the posting of signs warning of sewage contamination at the San Diego River outlet at Dog Beach.

Leucadia County Water District
The Leucadia County Water District reported a 10,000-gallon sanitary sewer overflow that occurred on April 3, 2002 near Carlsbad Blvd. and Avenida Encinas in Carlsbad, of which 2,000 gallons was reportedly recovered. The overflow resulted in an 8,000-gallon discharge of sewage to Batiquitos Lagoon and the Pacific Ocean and resulted in the posting of signs warning of sewage contamination at South Carlsbad Beach 200 yards north and 400 yards south of the lagoon outlet.

Don Young, Inc.
The City of San Diego (City) reported a 14,000-gallon sanitary sewer overflow from the Quality Inn Airport/Seaworld Area at 2901 Nimitz Blvd. that ocurred from March 22 - 23, 2002. The City attributed the cause of the sanitary sewer overflow to a blockage in the Quality Inn's private service lateral line. City crews were able to recover approximately 3,000 gallons of the overflow. The remaining 11,000 gallons were discharged to a storm drain that discharges to San Diego Bay. The spill resulted in the closure of recreational waters adjacent to Shoreline Park Beach for three days. Although a private citizen brought the spill to the attention of the owner, Don Young, Inc., at 7:00 p.m. on March 22, 2002, the owner failed to act until the following day after the City responded to a notification by the Harbor Police that the spill was still in progress. This spill is the subject of a criminal investigation conducted by the City of San Diego's City Attorney's Office. A Required Technical Report was also requested from the property owner regarding this overflow.

City of Encinitas
The City of Encinitas (City) notified this office of a 60,000-gallon sanitary sewer overflow from the lift station at Moonlight State Beach on May 17, 2002. The City's Public Works Department attributed the cause of the sanitary sewer overflow to a transient breaking the water line of the lift station. Reportedly, the vandalism by the transient resulted in a power failure at the lift station. City crews were able to recover 37,000 gallons. The remaining 23,000 gallons of the overflow discharged to Cottonwood Creek, tributary to the Pacific Ocean. Recreational waters adjacent to the shoreline were closed and signs warning of contamination were posted from May 17th to May 27th. A RTR was also requested from the City regarding this overflow.

2. Total Maximum Daily Load (TMDL) Activities Update *(Alan Monji) (Attachment B-2)*

TMDL Fundamentals
Section 303(d)(1)(A) of the Clean Water Act requires that "Each State shall identify those waters within its boundaries for which the effluent limitations…are not stringent enough to implement any water quality standard applicable to such waters." The Clean Water Act also requires states to establish a priority ranking for waters on the section 303(d) list of impaired waters and to establish Total Maximum Daily Loads (TMDLs) for such waters.

The purpose of a total maximum daily load (TMDL) is to attain water quality objectives and restore and protect the beneficial uses of an impaired water body. A TMDL is defined as "the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2) such that the capacity of the water body to assimilate pollutant loading (i.e., the Loading Capacity) is not exceeded.

The TMDL process begins with the development of a technical TMDL which includes the following 8 components: (1) A **Problem Statement** describing which water quality objectives are not being attained and which beneficial uses are impaired; (2) identification of **Numeric Targets** which will result in attainment of the water quality objectives and protection of beneficial uses; (3) A **Source Analysis** to identify all of the point and nonpoint sources in the watershed and estimate the current pollutant loading from each; (4) a calculation of the maximum **Loading Capacity**, or TMDL, of the waterbody for the pollutant; i.e., the maximum amount of the pollutant that may be discharged to the water body without causing exceedances of water quality objectives and impairment of beneficial uses; (5) a **Linkage Analysis** to confirm that the TMDL, or Loading Capacity, will result in the attainment of the water quality objectives; (6) the division and **Allocation** of the total Loading Capacity amongst each of the contributing sources in the watershed, waste load allocations (WLA) for point sources and load allocations (LA) for non point sources; (7) a **Margin of Safety** (MOS) to account for uncertainties in the TMDL analysis; and (8) a description of how **Seasonal Variation and Critical Conditions** are accounted for in the TMDL. The document containing the above components is generally referred to as the Technical TMDL.

Upon completion of the Technical TMDL, a plan to implement the TMDL is developed along with a plan to monitor the results. The **Implementation Plan** describes the actions needed by each of the point and nonpoint source dischargers in the watershed to meet the load reductions specified in the TMDL and a time schedule taking such actions. The Implementation Plan also identifies all agencies with authority to take pollutant-reducing actions and describes such actions. The purpose of the Monitoring Plan is to assess and to document the progress of the effectiveness of the load reduction activities in attaining water quality objectives and restoring beneficial uses.

Upon completion, the regulatory provisions of the TMDL, Implementation Plan, and Monitoring Plan are incorporated into the Region's Water Quality Control Plan, or Basin Plan. This is accomplished via a formal action by the Regional Board to amend its Basin Plan in a public hearing process. As with anyBasin Plan amendment involving surface waters, a TMDL adopted by the Regional Board will not take effect until it has undergone subsequent agency approvals by the State Water Resources Control Board (SWRCB), the Office of Administrative Law (OAL), and the United States Environmental Protection Agency (USEPA).

Total maximum daily loads are not self-implementing; nor are they enforceable simply by incorporation into the Basin Plan. Rather a TMDL must be made enforceable by the Regional Board in one of two ways: (1) the TMDL and load allocations are incorporated into waste discharge requirements and NPDES permits; or (2) a formal prohibition against a particular discharge of waste is established in the Basin Plan. The TMDL must then be implemented by the responsible point and nonpoint source dischargers of the pollutant within the watershed. In other words, each responsible party must take any load reduction actions necessary to comply with its assigned load or waste load allocation as specified in the TMDL.

General Progress on TMDL Projects
Currently, there are seven TMDLs in progress. Rainbow Creek – Nutrients TMDL was presented to the Regional Board for consideration of adoption May 2002. The Chollas Creek – Diazinon TMDL will be presented to the Regional Board for consideration of adoption this month. A meeting with representatives from the Regional Board and the U.S. Navy is tentatively scheduled for June 2002. The purpose of this meeting is to begin discussion of future TMDL projects on U.S. Navy property adjacent to San Diego Bay.

Chollas Creek - Diazinon *(Linda Pardy and Jimmy Smith)*
The draft of the Chollas Creek TMDL for Diazinon was released for public review on May 28, 2002, initiating the 45-day public review and comment period. The complete TMDL package consists of the draft Resolution, draft Basin Plan Amendment, and draft Technical Report with attachments. Copies of the package have been forwarded to key stakeholders by both e-mail and US mail. The complete package is also available on the Internet at the Regional Board's website at www.swrcb.ca.gov/rwqcb9.

The fourth Public Workshop on the draft TMDL was conducted on May 17, 2002 and was attended by 26 participants. In addition, Regional Board staff met with staff of the City of San Diego Storm Water Program (City) on May 24, 2002 to discuss their issues and concerns related to the implementation of the TMDL. A follow-up meeting with City staff is scheduled for June 5, 2002. We have invited the County of San Diego as well as representatives from the environmental community to also participate in the June 5 meeting. Additionally, staff met with representatives from the San Diego Unified Port District, City of La Mesa, City of Lemon Grove, and CALTRANS on June 4. The purpose of each of these meetings has been to provide an informal forum to dialog with important stakeholders about their issues and concerns regarding the TMDL. To the extent possible, staff plans to address each of these issues prior to the Public Hearing. The Public Hearing to consider incorporation of the Chollas Creek Diazinon TMDL into the Basin Plan is scheduled for June 12, 2002.

Rainbow Creek - Nutrients *(Lisa Brown and Alan Monji)*
Preparation of responses to comments and revisions to the draft TMDL are ongoing. A conference call with representatives Southern California Coastal Water Research Project (SCCWRP) and Regional Board staff occurred on June 3, 2002 to discuss assimilative capacity and nutrient enrichment topics. Staff is in the process of scheduling meetings

with the County of San Diego and other stakeholders to discuss their comments and concerns, and to work on an appropriate implementation plan.

Chollas Creek - Metals *(Lisa Brown and Alan Monji)*
The draft Problem Statement, Numeric Targets, and Source Analysis have been submitted to USEPA for review, and these draft documents are posted on the Regional Board web site. So far, USEPA has only minor comments on these drafts. The Industrial Environmental Association (IEA) has also provided comments on these drafts.

The drafts of the Load Allocations, Linkage Analysis, and Margin of Safety are complete and have been reviewed by Regional Board staff. However, these drafts need revision since new data were collected in Chollas Creek after the original drafts were completed, and the data may alter load allocations and source estimates. The Chollas Creek draft revisions are on hold while staff focuses attention on completing the Rainbow Creek Nutrients TMDLs. When work on this TMDL resumes, it will be conducted by newly assigned staff members (the staff person that developed this TMDL recently resigned).

Shelter Island Yacht Basin - Dissolved Copper *(Lesley Dobalian and Christina Arias)*
The draft Technical TMDL and Implementation Plan is nearing completion and continues to undergo internal review. It will be sent out for peer review in the near future. Staff is in the process of drafting the Basin Plan amendment and tentative Resolution. The Regional Board Public Hearing to consider amending the Basin Plan to incorporate the TMDL is expected to be scheduled for August 2002.

San Diego Bay / Near Chollas Creek – Contaminated Sediment *(Alan Monji and Tom Alo)*
Internal review continues on the rough draft versions of the Problem Statement and Numeric Targets. Revisions are planned once the final results from the 2002 SCCWRP assessment activities are received. On June 6, 2002, Southern California Coastal Water Research Project (SCCWRP) and the U.S. Navy will present the results of the sediment quality data that has been collected to date to Regional Board staff, representatives from the San Diego Unified Port District (Port), and representatives from the City of San Diego (City). The data will include sediment chemistry, toxicity, benthic community composition, and bioaccumulation results. These results will be presented at the San Diego Bay Contaminated Marine Sediments Assessment and Remediation Regional Board workshop scheduled for June 18, 2002. The purpose of the workshop is to update our Board members and the public on contaminated sediment sites in San Diego Bay that are currently undergoing investigation and remediation activities. Following the workshop, it is anticipated that another informal presentation will be conducted by SCCWRP and the U.S. Navy to the Regional Board to discuss the quality of the data, determination of impacts for each sediment quality indicator, assessment of impairment at each station, and evaluation of spatial contamination patterns.

San Diego Bay / Seventh Street Channel – Contaminated Sediment *(Tom Alo and Brennan Ott)*
Internal review continues on the rough draft versions of the Problem Statement and Numeric Targets. Revisions are planned once the final results from the 2002 SCCWRP assessment activities are received. On June 6, 2002, SCCWRP and the U.S. Navy will present the results of the sediment quality data that has been collected to date to Regional Board staff, representatives from the Port, and representatives from the City. The data will include sediment chemistry, toxicity, benthic community composition, and bioaccumulation results. These results will be presented at the San Diego Bay Contaminated Marine Sediments Assessment and Remediation Regional Board workshop scheduled for June 18, 2002. The purpose of the workshop is to update our Board members and the public on contaminated sediment sites in San Diego Bay that are currently undergoing investigation and remediation activities. Following the workshop, it is anticipated that another informal presentation will be conducted by SCCWRP and the U.S. Navy to the Regional Board to discuss the quality of the data, determination of impacts for each sediment quality indicator, assessment of impairment at each station, and evaluation of spatial contamination patterns.

Mission Bay –Bacteria *(Christina Arias and Lesley Dobalian)*
Staff is currently developing the Problem Statement and Numeric Target portions of the technical TMDL. Part of the TMDL development for Mission Bay includes the oversight of an extensive epidemiology study. The epidemiology study will be conducted by Southern California Coastal Water Research Project (SCCWRP) and is funded by the State's Cleanup and Abatement Account and a City of San Diego Supplemental Environmental Project (SEP). The first meeting of the Steering Committee for the epidemiology study is scheduled for June 5, 2002 and will include Regional Board staff as well as scientists from SCCWRP, USEPA, Heal the Bay, and San Diego State University. The objective of the meeting will be to determine specific goals for the epidemiology study and to plan the preliminary study stages.

3. Clean Water Act Section 401 Water Quality Certification Actions Taken in May 2002 *(Stacey Baczkowski)*

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION
5/1/02	Pacific Bay Homes	Rolling Hills Ranch Subarea III	A planned community consisting of the construction of 428 single-family residential units on the 607-acre site.	Conditional
5/6/02	SCX Inc.	San Diego to Oceanside High Speed, Low-Emissions Ferry Demonstration	Construction of a 150' by 15' replacement floating dock and ramp in San Diego Bay, including removal of 4 existing creosote piles and driving of 14 new concrete piles.	Conditional
5/6/02	Hamann	North Melrose	Pre-grading an	Standard

	Construction	Drive Parcel	approximately 21-acre site for future light industrial development in the City of Vista.	
5/16/02	Joseph Lucidi	Lucidi Farms Equestrian Center	Construction of an Arizona-style private road crossing and horse trail crossing.	Conditional
5/17/02	Lennar Communities	Wagon Wheel Creek Stabilization - Emergency Repair	Install riprap to prevent further storm event damage to Wagon Wheel Creek sidewall.	Conditional
5/17/02	Murrieta Valley Unified School District	Montevista Elementary School No. 9	Construction of a 12.4 acre elementary school.	Conditional
5/17/02	Forecast Homes, LP	French Valley IV	Construction of 201 residential lots on 63.5 acre with 10.7 acres of open space.	Conditional
5/20/02	City of San Diego	Chocolate Canyon (Home Avenue) Emergency Sewer Access Project	Clear vegetation to allow access to road and manholes for sewer system regulation.	Denial
5/20/02	County of San Diego, Department of Public Works	Valley Center Road Widening Southern Alignment	Upgrade approximately 5.96 miles of Valley Center Road to modified major road status.	Conditional
5/28/02	City of San Diego, Metropolitan Wastewater Department	Torreyana Canyon Emergency Sewer Repairs	Access road for repair of sewer line leak.	Conditional
5/28/02	U.S. Border Patrol	Campo Creek	Installation of four 36 inch culverts placed north to south across Campo Creek.	Conditional
5/28/02	U.S. Border Patrol	Bell Valley	Installation of four 36 inch culverts placed north to south across Bell Valley between the U.S. primary fence and the "Roosevelt" line.	Conditional

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

4. Development Concerns in the Upper Aliso Creek Watershed *(Robert Morris)*

During the public forum on May 8, 2002, Mr. Michael Hazzard raised concerns regarding proposed development in the area of Cook's Corner, which is located at the junction of El Toro Road, Santiago Canyon Road and Live Oak Canyon Road in the upper reach of the Aliso Creek watershed of Orange County. Applications for Section 401 water quality certification have been received for four proposed projects in the vicinity of Cook's Corner.

Rutter Development Inc. has submitted incomplete applications for Saddle Creek, a proposed residential development consisting of 127 homes on 484 acres and Saddle Crest, consisting of 35 residential units on 111 acres. Staff is currently conducting a detailed review of the applications to determine appropriate mitigation for potential water quality impacts. As currently scheduled, we do not expect the CEQA documents to be completed for these projects until August/September 2002. Consequently, if a Regional Board public hearing is necessary, it would be scheduled for October/November at the earliest.

The 401 application for Saddleback Meadows, a development consisting of 299 homes on 225 acres, is complete. We are satisfied with the proposed mitigation plan for this project but must wait for the Orange County Planning Commission to approve the final CEQA document for this development before taking action on the 401 application. We have not been notified by the developer of the expected date for finalizing the CEQA document.

The fourth project that we are aware of in the Cook's Corner vicinity is Live Oak Plaza, a proposed 23-acre residential/commercial development. A Section 401 application was submitted for this project in 1998 and subsequently withdrawn. The developer has not indicated to staff of their plans to resubmit the application.

Because of funding restrictions, staff is required to curtail expenditure of resources in reviewing and processing Section 401 applications. To address this problem, we are requiring project proponents to submit applications for waste discharge requirements in addition to their application for Section 401water quality certification. As a result of this change in our process, it is more likely that development projects proposed in the Cook's Corner area and elsewhere will be presented for action by the Regional Board.

5. Aliso Creek 13225 Directive for an Investigation of Urban Runoff, 4th Quarterly Progress Report (*Jeremy Haas*)

On April 30, 2002, the County of Orange, on behalf of the Cities of Aliso Viejo, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, and Mission Viejo, submitted the fourth quarterly progress report covering January, February, and March 2002. The report includes monitoring data, activities taken during the quarter and planned actions. On May 14, 2002, staff met with the Copermittees to discuss the report and planned activities. Cities presented updates on source identification activities, and staff continued to encourage the copermittees to aggressively abate the pollutant sources identified.

These quarterly meetings also offer an opportunity for the copermittees to share information. For instance, at the May 14, 2002 meeting, a lively discussion ensued on the relative value and effectiveness of various BMPs to collect trash and other pollutants at the catch basin in order to prevent them from being conveyed into receiving waters. Staff and the copermittees also had a brief evaluative discussion of the first year. The copermittees stated a preference for individualized feedback from staff because different approaches and targets are being pursued to address bacterial issues in each city.

Summary of Receiving Waters Data

Monitoring data were collected for 12 weeks. Data collected this quarter showed less water quality degradation than during either of the three previous quarters. The cause for the improvement is not certain, but could be a result of environmental factors (e.g., temperature and precipitation) and/or BMP implementation. Long term assessment of upstream and downstream data shows that approximately one-third of the outfalls have a significant effect on receiving water quality. Impacts from other outfalls may be masked by elevated bacteria levels within the creek at the point of discharge. Also of note is that

Monitoring Summary for First Four Aliso Creek Directive Reporting Periods

	Samples That Met REC-1*				Samples That Met REC-2*			
Reporting Period	1	2	3	4	1	2	3	4
Storm drains	1/66	0/99	1/103	6/104 (6%)	7/66	2/100	9/103	30/104 (28%)
Upstream	1/58	0/89	2/98	9/93 (10%)	30/58	38/91	39/98	61/93 (66%)
Downstream	0/62	0/94	1/103	4/96 (4%)	22/62	21/96	48/105	55/96 (57%)

* Based on number of monitoring locations over thirty-day sampling periods per reporting period. E.g., thirty five storm drains over 3 thirty-day sampling periods would equal 105 samples.

a cursory evaluation of data shows that sites discharging from dissipater basins, which reduce runoff energy at storm water outfalls and tend to accumulate sediment and debris, generally have the worst relative rankings. A more thorough assessment of sampling locations is needed, however, before conclusions are drawn, and staff will report on any relevant findings.

Based on an evaluation of the first year of data, the County plans to formally request modifications to the monitoring program in order to increase the efficiency of resource allocation. Details on potential monitoring changes will follow, but would involve dropping four or five stations that either were consistently dry or are considered not to contribute to the elevated counts in Aliso Creek. In addition, the County proposes to sample enterococcus only during the summer because its numbers are well correlated with fecal coliform during the rest of the year. Staff will update the Regional Board on

any proposed monitoring changes following further discussions with the County and copermittees.

Copermittees' Response to Monitoring Data
The copermittees continue to demonstrate varying degrees of results from field screening/reconnaissance activities. Notably, some cities are responding to staff's request for pollution prevention efforts. The City of Aliso Viejo has identified a design flaw with grease interceptors that has resulted in private lateral spills, and the City is working with the local wastewater district on education, inspections, and solutions. The City of Laguna Niguel is investigating options for "certifying" particular products to incentivize alternative product use. The City of Mission Viejo has received the results from a contracted reconnaissance efforts of the J07P02 storm drain and has prepared a response action plan, whose procedures will be implemented throughout the city. Based on the report and May 14, 2002 meeting, staff feels that overall the copermittees are responding to the Directive, to available water quality data, and to field reconnaissance results to varying degrees. As a result, as was done last quarter, staff will prepare tailored responses to each copermittee, rather than a general response.

6. Proposition 13 – Comparison of Southern California Regions *(Deborah Woodward)*
The following table is provided in response to Board Member Ghio's request for the total dollar amounts of project proposals from other Southern California Regional Boards. The table shows, for the five Southern California Regional Boards, the total amount requested by concept proposals approved for full proposal submission under three Proposition 13 grant programs (with the number of proposals in parentheses). Full proposals, due June 7, will likely request 10-15% more than the amounts shown here.

	Coastal Nonpoint Source Program	Nonpoint Source Program	Watershed Protection Program	Total
San Diego – Reg. 9	$6.3M (13)	$14.7M (11)	$3.2M (3)	$24.2M (27)
Santa Ana – Reg. 8	$10.4M (14)	$11.5M (10)	$3.5M (6)	$25.4M (30)
Los Angeles – Reg. 4	$17.8M (24)	$10.4M (22)	$9.5M (7)	$37.7M (53)
Lahontan – Reg. 6	NA	$19.0M (10)	0 (0)	$19.0M (10)
Colorado River Basin – Reg. 7	NA	$6.2M (3)	$1.1M (2)	$7.3M (5)
Total Requested	**$34.5M** (51)	**$61.8M** (56)	**$17.3M** (18)	**$113.6M** (125)
Total Available*	**$11.8M**	**$22.0M**	**$10.0M**	**$43.8M**

***** for projects within San Diego, Orange, Los Angeles, Ventura, Riverside and San Bernardino Counties.

7. Mandatory Minimum Penalties *(Rebecca Stewart)*

At the May 8 Regional Board meeting information was received from a NPDES permittee, Mr. Michael Katz of Promenade Mall Development Corporation, that not until November 2001, when he was notified of violations of effluent limitations, had he been informed he was subject to mandatory minimum penalties (MMPs) under Migden, CWC Section 13385. Staff has reviewed records on past correspondence to all NPDES permittees and confirmed that no notification through mass mailing either by the Regional Board or the State Board was provided to NPDES permittees at the time the MMPs came into effect on January 1, 2000. At the time when Migden became law, most of the NPDES dischargers became aware of the new law through publicity, industry associations, and professional organizations. Not all permittees, particularly those enrollees under the two general dewatering permits, would have necessarily known of the Migden law and mandatory minimum penalties until such time that staff informed them of violations subject to MMPs. While the great majority of our NPDES permittees are now aware of MMPs, staff, by today's meeting, will have distributed to all NPDES permittees and general permit enrollees, a notice on MMPs and a brief explanation how MMPs would apply to violations.

In addition, internal processes are being reviewed to ensure that new permittees have a clear understanding of how MMPs can affect them. Staff is also developing a procedure to inform dischargers of potential MMPs whenever violations are cited from self-monitoring report reviews and from staff sampling during compliance inspections.

8. Duke Energy South Bay Power Plant Request for Studies *(John Phillips) (Attachment B-8)*
On May 24, 2002, the Executive Officer issued a CWC Section 13267 letter to Duke Energy directing Duke Energy to conduct six special studies to assess the impact of the intake structures and the discharge from the SBPP on the biological resources and beneficial uses of south San Diego Bay. Following is a list of the required six studies:

- Updated Discharge Impact Assessment Study for Compliance with Section 316(a) of the Clean Water Act (CWA).
- Section 316(b) CWA Updated Comprehensive Demonstration Study – Intake Structures.
- Updated Eelgrass Study.
- Updated Dissolved Oxygen Assessment Study.
- Investigation of Compatibility of Discharge with the Goals of the South San Diego Bay National Refuge.
- Special Sunset Study. The purpose of this study is to identify the effects of any proposed changes in plant operations on the beneficial uses of south San Diego Bay. This study will be initiated when a decision is made to construct a new power plant, terminate the discharge, or to make major modifications to reduce the amount of heat discharged to south San Diego Bay.

Attached (B-8) is a copy of the 13267 letter.

The required studies will investigate the effects of SBPP's thermal discharge on the biological resources of south San Diego Bay with an emphasis on the plant's discharge channel. Furthermore, the studies will closely monitor the impacts of the thermal discharge during summer months, when the water temperature is the highest in the discharge channel.

The studies will be based on environmental measurements and plant discharge data analyzed for one complete annual cycle. The final technical reports for the studies will be due no later than February of 2004. The current NPDES permit for this facility will remain in effect. Duke Energy has submitted a complete Report of Waste Discharge, however the Regional Board will not consider reissuing a new permit until the six studies have sufficiently progressed.

9. City of Santee, Forester Creek Flood Control Project *(Michael Porter) (Attachment B-9)*
The City of Santee (City) has proposed to improve Forester Creek, from the Prospect Street Bridge to the Mission Gorge Road Bridge, to provide 100-year flood protection and to facilitate the construction of the State Route 52 extension from its current terminus at Mission Gorge Road to State Route 67. The City has analyzed five channelization alternatives in its Draft Environmental Impact Report/Environmental Assessment (EIR/EA) (January 2002) that range from the "No Action" alternative to a fully lined concrete channel. Regional Board staff provided comments on the Notice of Preparation for the EIR/EA in December 1999, and on the Draft EIR/EA in March 2002 (Attachments B-9a and b). The San Diego Union Tribune has also published a May 9, 2002 article on the proposed project (Attachment B-9c).

Regional Board staff (Michael Porter and Dr. Ann Riley, a fluvial geomorphologist from Region 2) met with the City's consultant on March 27, 2002 at Forester Creek to discuss the proposed project and suggest alternatives that could protect water quality standards and provide flood protection. Regional Board staff (John Robertus, Mike McCann, Michael Porter, and Stacey Baczkowski) also met with the City of Santee and SANDAG on June 30, 2002 to discuss additional alternatives developed by the City.

The City has not submitted an application for section 401 Water Quality Certification to date, but will be required to do so to implement the proposed project. Staff anticipates bringing the proposed project before the Board at a later date.

10. Triennial Review of the Basin Plan *(Christina Arias)*
Pursuant to Section 303(c)(1) of the federal Clean Water Act, a major review of both statewide Water Quality Control Plans and Regional Board Basin Plans is required every 3 years. This review, which is designed to accommodate and adapt to changing conditions, is known as the "Triennial Review." In addition, state law requires that water quality control plans be reviewed periodically (California Water Code Section 13240).

Staff plans to conduct the Triennial Review of the Basin Plan during the upcoming fiscal year 2002/2003. Staff will initiate the process by soliciting public input on areas and

issues in the Basin Plan where revision may be needed. This includes the appropriateness of designated beneficial uses, water quality objectives, implementation plans, and Regional Board policies, etc. The resulting list of issues will then be ranked according to priority and brought before the Regional Board, in the form of a draft Resolution, for consideration and adoption.

11. Landfill Updates *(Attachments B-11)*

San Marcos Landfill – Closure *(Carol Tamaki and John Odermatt)*

On May 31, 2002, the Regional Board received a revised Joint Technical Document ("JTD") from the County of San Diego including an amended Report of Waste Discharge (ROWD) for the closure of the San Marcos Landfill. Under the requirements of Addendum No. 1 to Cease and Desist Order 98-39, a JTD is required to be submitted to the Regional Board no later than June 30, 2002. The Regional Board staff has 30-days to review the revised JTD for completeness and prepare comments as necessary.

On May 22, 2002, the Regional Board received written notification that the State Water Resources Control Board will begin its review of a County's petition of Administrative Civil Liability Order No. R9-2002-0017 for the San Marcos Landfill.

San Diego Region Burn-ash Sites *(Amy Fortin and John Odermatt)*

Cal-EPA has convened a work group including the State Water Resources Control Board (SWRCB), Department of Toxic Substances Control (DTSC) and the Integrated Waste Management Board (CIWMB) to address various issues related to the management of wastes from burn-ash sites. Cal-EPA has compiled a list of 527 burn-ash sites statewide of which 53 sites are located within the San Diego Region. Residual wastes associated with these sites commonly contain elevated and/or hazardous concentrations of metals (*e.g.*, lead, copper, chromium, *etc.*). Depending upon the site-specific location and nature of the wastes, the threat to water quality from these sites may be significant. The following updates are provided for progress at burn-ash sites for this month:

Rainbow Canyon Landfill (A.K.A. Temecula Landfill): On May 1, 2002, the Regional Board staff met with SWRCB OCC staff to discuss the status of the current dischargers identified in Order 97-11. The Regional Board and OCC staff participated in a conference call with a representative of the discharger Mr. Phillip Jones. In April 2002, Mr. Jones conveyed to the Regional Board the following information: 1.) contact information (e.g., name, mailing address and telephone number) for the current owner of the parcel including Rainbow Canyon Landfill; 2.) the correct assessors parcel number for the property including the Rainbow Canyon Landfill and 3.) the results from a title search with a chronology of site ownership for the property containing the Rainbow Canyon Landfill.

The written information relayed by Mr. Jones, and discussed during the subsequent telephone conversation, suggests that it may be necessary for the Regional Board staff to revise the identification of the discharger indicated in General Order 97-11. The

Regional Board staff plans to meet with Mr. Jones to discuss/establish the chronology of ownership of the facility before recommending a course of action to the Regional Board.

38th and Quince Street Burn-ash Cleanup: On April 10, 2002, the Regional Board adopted a conditional waiver of waste discharge requirements (as Resolution No. R9-2002-0069) for the creation of temporary waste piles during the cleanup and abatement of burn-ash wastes in a residential area located in proximity to the intersection of 38th and Quince Streets. The City of San Diego Environmental Services Division (City ESD) is managing the cleanup project. May 21, 2002, contractors began to excavate and transport wastes from the residential properties in the area. As of June 4, 2002, a total of 850 cubic yards (85 truck loads) of burn-ash have been excavated and removed from the site. A recent article (dated May 28, 2002) describing the project was published in the Union-Tribune and it is included as *Attachment B-11a* to this EO Report.

The staff will continue to update the Regional Board on sites/issues related to management of burn-ash wastes in future Executive Officer Reports.

Duck Pond Landfill *(Brian McDaniel and John Odermatt)*
On April 3, 2002, the Regional Board staff received a verbal complaint from the County of San Diego regarding construction activities, including excavation trenches into the landfill cover, being conducted at the Duck Pond Landfill. On April 4, 2002, the Regional Board staff conducted a field inspection noting that the lines/piping for the gas extraction system had been placed underground and that work was continuing on the above ground headers for the gas extraction system. The Regional Board staff also noted areas of ponded water from overland flow via 30th Street and evidence of subsidence in that area of the site.

On April 28, 2002, the County of San Diego provided the Regional Board Executive Officer with additional photographs depicting site conditions during the time period March 27, 2002 to April 4, 2002. The color photos clearly shows the disassembled gas collection lines and trenches being excavated into the landfill cover at the site.

On June 5, 2002, the Executive Officer issued Addendum No. 4 to CAO 95-66. This addendum directs the dischargers to provide either a Report of Waste Discharge, a work plan, and/or advance notification to the Regional Board prior to initiating modifications to the landfill cover. The nature of the required submittal depends upon the significance of the proposed modification as it relates to the control of water quality and/or abatement of nuisance conditions at the site. Future modifications to the landfill cover require that the dischargers obtain written concurrence from the Regional Board before conducting certain specified modifications to the landfill cover. The addendum includes an additional one-time reporting requirement to document modifications that have already been made to the landfill cover. That report must be submitted to the Regional Board by July 15, 2002.

Disposal of Solid Wastes from the War Zone in Afghanistan *(John Odermatt)*

The Regional Board staff recently became aware that the Department of Defense (DoD) could decide that it is necessary to transport some portion of the solid wastes, generated by U.S. troops in Afghanistan, back to the United States for disposal.

The Regional Board staff contacted base Environmental Security (ES) staff at Marine Corps Base (MCB) Camp Pendleton, to determine if some or all of the solid wastes generated by U.S. Forces in Afghanistan may be transported for discharge at municipal solid waste (MSW) landfills located within the San Diego Region. The ES staff indicated that they were not currently aware of any intention to discharge solid wastes from Afghanistan into the landfills at MCB Camp Pendleton (e.g., Las Pulgas and San Onofre Landfills).

To further evaluate this possibility, the Regional Board staff reviewed available portions of the DoD Environmental Compliance and Protection Manual available on line at (URL: https://128.174.5.51/denix/Public/Policy/Marine/5090.2A/ch1-2.html). As a result of our inquiry, the Regional Board staff could not rule out the possibility that the U.S. Marine Corps and/or the Department of the Navy may decide to transport and dispose of solid wastes (from Afghanistan) into landfills located within the San Diego Region.

On May 16, 2002, the Regional Board Executive Officer issued a request for information, under authority of Water Code Section 13267, to the Commanding General at Marine Corps Base (MCB) Camp Pendleton. The request for information comes into effect in the event that a decision is made by DoD to discharge solid wastes from Afghanistan into the Class III landfills at San Onofre or Las Pulgas at MCB Camp Pendleton. A copy of that letter requesting further information is included as *Attachment B-11b* for this item.

Solid Waste Water Quality Assessment Test (SWAT): Vista Burn Site *(Amy Fortin and John Odermatt)*

The Vista I Burn Site located adjacent to Loma Alta Creek in the 1300 Block of Lee Avenue in the City of Carlsbad. Entities meeting the statutory definition of "operators", as included in Water Code Section 13273.3, were identified as the City of Oceanside and the County of San Diego. On May 16, 2002, the Executive Officer issues at letter to the "operators" requesting a Solid Waste Assessment Test Proposal for the Vista I Burn Site.

California Water Code Section 13273 requires "operators" to submit a Solid Waste Water Quality Assessment Test (SWAT) to the RWQCB. The Vista I Burn Site was identified (Rank 15) in the original SWAT ranking of 1987. The objective of the SWAT is based upon California Water Code Section 13273, which requires site "operators" to make a determination whether a disposal site is leaking hazardous substances that may enter and degrade water resources. Additional information regarding the SWAT program may be found on the web at: www.swrcb.ca.gov/cwphome/chap15.

The Regional Board staff requested that the "operators" (identified as the City of Oceanside and the County of San Diego) provide a proposal and schedule for completion of a SWAT investigation as required by Section 13273. The technical report must include

the minimum elements specified in Section 13273(b) and the data / analysis must be adequate for the Regional Board to make the findings specified in Section 13273(d). The operators are required to provide the Regional Board with a SWAT proposal by August 19, 2002.

On May 30, 2002, the Regional Board staff received a letter response from the County of San Diego Office of County Counsel. The Regional Board staff is currently evaluating the written response received from the County of San Diego.

12. San Diego Municipal Storm Water Permit Update *(Phil Hammer)*
In May 2002, USEPA and its contractor Tetra Tech, Inc. conducted compliance evaluations of the municipal urban runoff management programs of the City of Carlsbad, the City of Chula Vista, and the City of El Cajon. These compliance evaluations were conducted with funding provided to the State by USEPA. Regional Board staff participated in the evaluations, which were week-long detailed assessments of each city's overall success in meeting the requirements of the San Diego Municipal Storm Water Permit. The evaluations included in-field verification of program implementation, consideration of the overall effectiveness of each program, and identification of exemplary elements of the programs. A report is currently being generated by Tetra Tech, Inc. which will identify potential program violations, program deficiencies, and positive program attributes.

Regional Board staff has completed its review of each of the Copermittees' Jurisdictional Urban Runoff Management Plans. These plans describe each Copermittee's planned activities to address urban runoff within their jurisdictions. Following review of the documents, staff also met with each Copermittee to discuss with them the findings of the review. Staff is currently finalizing letters to each Copermittee, which will outline the findings of the document review, and request additional information where the program or information provided was found to be deficient.

13. San Juan Creek Watershed Bacteria Study (*Jeremy Haas)*
On June 4, 2002 staff received the fourth quarterly progress report from the County of Orange for the San Juan Creek Watershed Bacteria Study, funded per SWRCB contract 9-182-190-0. The objectives of the contract are to survey concentrations of bacteria in the watershed (completed), determine the sources of bacteria at problem areas (analysis pending), and to compare two laboratory techniques of source identification (ongoing). Identifying sources of indicator bacteria in the watershed will facilitate the development of pollution prevention, source reduction, and treatment BMPs. Originally, the work was to have been completed by May 2002, but the expected conclusion date for consultant microbiological services has been delayed. Microbiological services include bacteria source tracking of samples from problem areas using two techniques: (1)Antibiotic Resistance Analysis (ARA), which measures the response of different bacteria strains to batches of antibiotics; and (2) Ribotyping, which identifies genetic markers of bacteria strains. A six-month contract extension has been requested from the SWRCB because additional time will be needed to assess technique accuracy determination and prepare the

source identification report. Microbiological services should be completed in June 2002, and a draft final report is expected in August 2002. Several Proposition 13 grant proposals were submitted to address bacteria in the San Juan watershed, and staff has suggested these applicants contact the County's Health Care Agency for preliminary source identification results.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Border and Tribal Activities *(Claudia Villacorta)*

The Tecate Industrial Wastewater Monitoring and Pretreatment Program

Training and Sampling Activities

Over the past several months, Baja California personnel have participated in several training courses as part of the Tecate Industrial Wastewater Monitoring and Pretreatment Program. The courses have focused on sample collection techniques and sample analysis of organics, heavy metals and general physical parameters. In addition, City of San Diego personnel (the Contractor) have placed autosamplers in the sewer collection system at three different locations throughout the City of Tecate. Preliminary results of samples analyzed at these locations will be presented and discussed at the next Binational Pretreatment Policy Committee Meeting to be held the first week of July.

The Tecate Industrial Waste Monitoring and Pretreatment Program is a program managed by the San Diego Regional Water Board using funds provided by the State Water Board in the amount of $311,000. An additional $386,000 has also been provided to continue the program in Tijuana. Work associated with the Tijuana program using State Board funds is scheduled to begin at the end of the year.

Data Exchange Update

Regional Board staff has developed a draft of the bylaws for the Binational Technical Pretreatment Committee. These bylaws specify the terms of how the data generated by the pretreatment programs in Tecate and Tijuana will be managed and exchanged between the US and Mexican agencies. It is expected that these same terms will be adopted for the proposed industrial wastewater monitoring and pretreatment programs in Mexicali and Ensenada. The bylaws will be finalized and adopted at the next Binational Pretreatment Policy Committee Meeting in July.

2. Clean Water Act Section 303(d) List of Impaired Waters – 2002 Update *(James Smith)*

On May 15, 2002, the State Water Resources Control Board (State Board) extended the public solicitation for water quality data and information on the statewide Section 303(d) list of impaired waters. At the request of the Assembly Bill 982 Public Advisory Group (PAG), State Board will be receiving information until June 15, 2002. The hearing record will be closed on that date.

The State Board held a public hearing on May 30th, 2002 in Ontario, CA to receive comments on the draft statewide Section 303(d) list of impaired waters. Two Regional Board Staff attended the hearing. Approximately 20 speakers provided testimony on the Region 9 portion of the draft statewide list. Neither State Board nor Regional Board Staff responded to comments at the hearing, but committed to providing written responses to all comments received. Formal direction from the State Board has not yet been given regarding how new data will be evaluated and who will be formulating written responses to comments received. It is expected that the Regional Boards will be asked to take the lead in these two processes.

In related matters, the first meeting of the statewide Regional Board 303(d) List Advisory Group was held in Sacramento, CA on May 28, 2002. The group was formed to help the State Board respond to Senate Bill 469, which mandates development of statewide Section 303(d) listing guidance. The State Board will take the lead in writing the guidance document with Regional Board input and direction.